

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of |) | |
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| Applications of Comcast Corporation, |) | MB Docket No 1457 |
| Time Warner Cable Inc., Charter |) | |
| Communications, Inc., and Spinco |) | |
| To Assign and Transfer Control of |) | |
| FCC Licenses and Other Authorizations) |) | |
| |) | |
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**COMMENTS OF
Hana Broadband Committee**

The Hana Broadband Committee, a sub-committee of the Hana Business Council, of Hana, Maui, is submitting to the Federal Communications Commission (FCC) our statement in opposition to the transfer of Oceanic Time Warner Cable (OTWC) to Comcast.

The Hana Broadband Committee in principal opposes the transfer of Oceanic Time Warner Cable (OTWC) to Comcast on the grounds that competition is the cornerstone of free enterprise capitalism and combining the largest, of the top four cable-companies, is counter to that ideal. However we also recognize that OTWC currently has no cable-company competitors in Hawaii and therefore, regardless of the outcome, it is imperative that the FCC insist that OTWC, a monopolist, be held to a strongly written agreement that protects the consumer and provides for better and equal service.

In 2001 a hybrid fiber-coaxial distribution plant was built. The existing last mile coaxial cable was not replaced at that time, and many of those date back to the late 1970's. In 2002 internet became available using "Wave" internet service. While this was an improvement, the system was not well maintained. The older cables were not being upgraded, and the microwave dish facility was beginning to suffer corrosion from exposure to the salt air. During the last months of 2011, Hana's private and business consumers suffered through a series of TV and broadband outages that lasted for several days, caused much frustration and lost revenue to struggling businesses. The microwave dish was by now in total disrepair and outages were becoming frequent and long. Hana Business Council was told that OTWC was doing the best they can, but current microwave dish technology did not allow for improvement in service. By this time the "Hana Youth Center" was dropped from OHA's on line Hawaiian culture educational program because they could not meet the connectivity requirements.

After much complaining, and contrary to previous statements that "nothing could be done", efforts to upgrade the system began. New equipment and a larger broadband dish were installed at the airport. In February 2013, the old "Wave" broadband was switched over to "Time Warner Cable Internet" and replacement modems were distributed. Again there were several outages but capacity and dependability, eventually improved. Much of the old last mile cable has still not been serviced and the system is still inadequate and inferior compared to the rest of the island. The broadband needs of Hana School were not being met and in May of 2013 service was so deficient that the fiber INET link for the school and library was switched over to the University of Hawaii microwave dish.

During the previous franchise period Hana subscribers paid a higher rate than other communities while receiving service which was far less reliable. Customer service was limited to one day a week which is intolerable for both customers and businesses. Internet subscribers in Hana still complain that they cannot reliably stream HD movies, nor make quality video calls and internet and video service is frequently lost altogether. Television subscribers, as well, complain about the quality of their service. Customers often lose HD picture quality and many Smart TV features are not usable with the current TWC cable service. Our committee took a survey in March of this year and found many customers dissatisfied with both past and current TV and Internet customer service.

ISSUES:

From our investigations we have found serious technical issues that need to be addressed, and with respect are formally requesting an independent audit be conducted to review both the technical and management practices of OTWC. This would allow for a complete record of the cable system serving East Maui with particular focus on the technical specifications for TV and broadband customer service that is actually provided to the residents of East Maui. We feel that if OTWC is transferred to Comcast, that all parties should have knowledge as to the condition of the physical and technical assets being transferred.

II. NON-COMPLIANCE.

If OTWC is to be transferred to Comcast assurances that issues of non-compliance to the previous franchise agreement be addressed and rectified.

1. I-Net Connections - The fiber end to end for community anchors including dedicated INET links to County, State and community-based organizations that support public safety, public health, public education, public media, public works, economic development and civic engagement in East Maui are out of compliance. Currently Hana School has to rely on the University of Hawaii microwave link for quality connectivity and reliability
2. Technical Performance of Cable TV System – Per our system analysis, to be submitted later, outages and signal loss are out of compliance.
3. Customer Service Requirements (FCC Customer Service Standards) - Terms & Conditions #241, Section 9.4, are not being met. Customer service is available only one day a week on Wednesday, and at times repairs are not completed and are passed to the following week. Per “Decision & Order #241, Section IV”, an exception was made for Molokai and Lanai. No such exception was made for Hana, therefore Hana should have the same service as Central Maui which is to comply with the “FCC Customer Service Standards”
4. Service Rates - Terms & Conditions #241, Section 9.4, are not being met. FCC “Customer Service Standards” states that “prices and options of programming services and conditions of subscription to programming and other services” must be provided at installation of service and annually to all subscribers. As bundled with television or purchased separately OTWC billed Hana customers for their “Standard Internet Plan” This plan was advertised at up to 15Mbps download, yet the company, by its own admission, had capped the download speed at 10Mbps. The customers were never informed that they were being charged for a plan that wasn’t being provided. The “National Broadband Map” lists Hana, as advertised by OTWC, at between 10-25 Mbps download and 768kbps-1.5Mbps upload. The FCC would conclude from this that Hana is being well served. This false advertising violates consumer protections for east Maui residents and for other communities relegated to second class service.

RECOMMENDED REQUIREMENTS FOR TRANSFER.

With particular reference to the Hana District and broader East Maui, we make the following submission of requirements before the transfer of OTWC to Comcast is accepted by the FCC.

Because our private and business community is dependent on fast and reliable television and internet access, we feel strongly that if a transfer takes place that the FCC require, as conditions of a transfer, that Hana residents, businesses and community anchor institutions be provided with equivalent quality, speed, functionality, and price of service for unrestricted (ie. open & unmetered) internet access as is available in the City of Honolulu. Also that FCC technical and customer service standards, as intended, be implemented and enforced, and where service is available, or to be made available, that these services be extended to all of East Maui.



August 25, 2014

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